

HIGH COURT OF JUDICATURE CHHATTISGARH :: BILASPUR**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.****WRIT PETITION No. 6138 OF 2005****PETITIONERS**

1. Ramesh Soni, S/o shri Ram Swaroop,
Occupation: Cultivator, aged 35 years.
2. Tahasil Advocate Bar Association,
Revenue Court, Simga,
Through: President,
Tahsil: Simga, Distt. Raipur (CG)
3. President, nagar Panchayat, Simga,
Hardep Singh Bhatia
4. Pramod Rao Bhasale,
S/o Late Shri Natthu Rao,
Aged about 70 years, Cultivator,
Ex-President, Nagar Palika, Simga
5. Dharam Chand Jain,
S/O Late Shri Rajju Lal Jain,
Aged about 56 years, Cultivator,
Ex-Member, Nagar Panchayat, Simga
6. Prabhat Tamrakar, S/o Late Shri Guru
Prasad Tamrakar, aged about 47 years,
Cultivator, Simga, All R/o Simga, Distt.
Raipur (CG)

Versus**RESPONDENT**

State of Chhattisgarh
Through-The Secretary Law Department,
D.K.S. Bhavan, Mantralaya,
Raipur (C.G.)

Present : Shri Yashwant Tiwari, learned counsel for the petitioners.
Shri Parag Kotecha, learned Panel Lawyer for State.

ORAL ORDER**(Passed on 13th December 2005)**

Tahsil Advocate Bar Association, Revenue Court, Simga, President,
Nagar Panchayat, Simga and certain other residents of Simga have filed
this writ petition under Articles 14, 21 and 226 of the Constitution of India for

a direction to the State of Chhattisgarh, the respondent herein, to establish a Civil Court at Simga contending that Simga has all the necessary infrastructural facilities to establish a Civil Court and if such a Court is established, it would be very convenient to the litigant public also. There is no need for the Court to refer to and consider the details set out in the writ petition to highlight the merit and suitability of establishing a Court at Simga.

Dispensation of justice to the consumers of justice in any civilized society is an inalienable duty cast on the sovereign state. The power of deciding where Courts should be established, who should be presiding officers of those Courts and supervision and control of the presiding officers of the Courts and management of the Courts by virtue of the constitutional provisions under Article 233 to 235 vest in the High Court. Of course, in the matter of establishing the Court, it is for the State Government to establish necessary Courts on the recommendation of the High Court. It is not that our system does not provide for the authorities to take care of the needs of the public, particularly, the interests of the consumers of the justice. In such matters, the opinion of persons like the petitioners would not be a determining factor. No doubt, they being the consumers of justice can always appeal to the concerned authorities and make representation about the need to establish a Court in a particular place. But, the authorities even after considering such representations and appeals do not think it appropriate or expedient to establish a Court at such place, it is not their right to move this Court under Article 226 of the Constitution for mandamus. I do not find any semblance of any legal right in any of the petitioners to seek such writ.

In that view of the matter, the writ petition is dismissed. However, this order shall not preclude the petitioners and others of Simga from

making appropriate representation to the Government or to the High Court for consideration with regard to the need of establishing a Civil Court at Simga.

Sd/-
Chief Justice
Judge

Brajesh